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July 19, 2021

VIA ECF

Honorable Debra Freeman
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007

Plaintiff is directed to file a response to this letter no later than 7/27/2021.

SO ORDERED

Dated: 7/22/2021


DEBRA FREEMAN
United States Magistrate Judge

Re: Luis Jaime v. Captain Kirkland et al., 20-CV-4365 (AJN) (DCF)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendants Captain Kirkland, Captain Morales, Captain Phillips, and Chief Jennings. Defendants write respectfully to provide an update to the Court with regard to the status of discovery in the case and to request that the Court compel plaintiff to provide responses to defendants' interrogatories and request for production of documents ("discovery requests") by July 30, 2021. Defendants have reached out on multiple occasions to discuss the case with plaintiff's counsel via e-mail and phone, but have not had a response.

By way of background, plaintiff alleges, *inter alia*, that he was subjected to uses of force by correction officers on multiple occasions while an inmate housed in Rikers Island. On February 19, 2021, defendants first served their discovery requests on plaintiff, who at the time was *pro se*. Plaintiff did not provide responses to these requests, however he advised at an April 19, 2021 status conference that he was seeking counsel. Plaintiff's counsel appeared in this case on April 23, 2021. Following a June 2, 2021 status conference, the Court updated discovery deadlines, directing plaintiff to provide responses to defendant's discovery requests by June 28, 2021, and providing for the close of fact discovery and completion of depositions by August 3, 2021. (See ECF No. 26). To date, plaintiff has not provided defendants with responses to the discovery requests. Defendants wrote to plaintiff's counsel on July 13, 2021, requesting an update as to the outstanding discovery requests and seeking to discuss any outstanding issues, but have not been able to conduct a meet and confer with plaintiff's counsel because he has not responded to phone calls.

Defendants are entitled to responses to their discovery requests pursuant to Fed. R. Civ. P. 33 and 34. As plaintiff has not yet provided responses to defendants' document requests and interrogatories, defendants have not yet been able to schedule plaintiff's deposition in this matter, and remaining discovery has been forestalled. Plaintiff has offered no reason for the delay, and given the Court's June 3, 2021 order directing responses, plaintiff should be compelled to provide the information in short order.

Further, as there remains outstanding discovery, defendants request a thirty day extension of the deadline for the close of fact discovery and completion of depositions until September 2, 2021. This extension of time would allow the parties to engage in settlement discussions and complete any necessary discovery.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch
Senior Counsel

cc: **VIA ECF**
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Attorney for plaintiff